

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HENRY UNSELD WASHINGTON,)	2:15cv1031
)	Electronic Filing
Plaintiff,)	
)	Judge David Stewart Cercone
v.)	Magistrate Judge Lisa Pup Lenihan
)	
ROBERT D. GILMORE, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff initiated this 42 U.S.C. § 1983 prisoner civil rights action on August 7, 2015, and his Complaint was docketed on September 1, 2015, after the Court granted his Motion for Leave to Proceed *in forma pauperis*. In accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court, all pretrial matters were referred to United States Magistrate Judge Lisa Pupo Lenihan.

Motions to Dismiss were filed by the Defendants on February 13, 2017 and March 6, 2017, and on August 31, 2017, the Magistrate Judge issued a Report and Recommendation recommending that the motions be granted in part and denied in part. Plaintiff was served with the Report and Recommendation and told that the deadline to file written objections was on September 18, 2017. As of today, no objections have been filed. Therefore, upon an independent review of the record, and consideration of the Defendants' Motions to Dismiss and the Magistrate Judge's Report and Recommendation, the following Order is entered:

AND NOW, this 18th day of September, 2017;

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 96) is adopted as the opinion of the Court.

IT IS FURTHER ORDERED that the Motions to Dismiss (ECF Nos. 78 & 89) are granted in part and denied in part. The Motions are granted as they relate to Plaintiff's retaliation, access to court, free exercise of religion, and equal protection claims, which are all dismissed with prejudice. The Motions are granted as they relate to the sexual harassment claims against Defendants Dr. Jin, Dr. Dascani, Nelson and Suhan, which are also dismissed with prejudice. The Motions are denied as they relate to Plaintiff's sexual harassment/assault claims against Defendants Oswald, Smith, Farrier and Stump, and are also denied as to Plaintiff's denial of medical care claims against Defendants Dr. Jin, Dr. Park, Dr. Dascani, PA Comer, PA Mattes, PA Mwaura, and CHCA Vihlidal.

AND IT IS FURTHER ORDERED that this case is remanded back to the Magistrate Judge for further proceedings.



David Stewart Cercone
United States District Judge

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